

REMARKS

In an Office Action dated May 9, 2005, the Examiner rejected claims 1, 3, 19, and 26 under 35 U.S.C. §103(a) as being unpatentable over Mustajarvi (U.S. patent no. 6,430,163) in view of Lopponen (U.S. patent no. 5,590,400). The Examiner objected to claims 2, 4-9, 20-25, and 27-32 as being dependent upon a rejected base claim but as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner allowed claims 10-18. The rejections and objections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1, 3, 19, and 26 under 35 U.S.C. §103(a) as being unpatentable over Mustajarvi (U.S. patent no. 6,430,163) in view of Lopponen. Claim 1 has been amended to provide a method for transmitting uplink control data in a packet data communication system comprising, when a packet associated control channel (PACCH) is available, transmitting the control data via the packet associated control channel, and, when a packet associated control channel is not available, transmitting the control data via an uplink timeslot allocated for the transmission of the control data. These features are not taught by Mustajarvi or Lopponen.

Mustajarvi merely teaches use of a PACCH, an uplink control channel, to transmit control data. The Examiner acknowledged that Mustajarvi does not teach transmitting the control data via a timeslot allocated for the transmission of the control data when the PAACH is not available but contended such is taught by Lopponen. However, Lopponen teaches a downlink control channel and, furthermore, is nowhere concerned with a discontinuous control channel such as a PACCH. That is, besides teaching a downlink control channel and not an uplink control channel, Lopponen teaches using a physical channel as either a traffic channel or a signaling channel. This does not teach what to do when the physical channel is already utilized as a signaling channel that is a discontinuous channel to begin with and provides an unacceptable transfer of data. Such a problem is nowhere considered or addressed by Lopponen.

As noted in the detailed description of the pending application, a problem with the PACCH is that its discontinuous nature can result in a potentially unacceptable delay in a handover of a voice call that is facilitated by the PACCH. Neither Mustajarvi nor Lopponen, individually or in combination, address this problem or in any way are concerned with how to make a discontinuous control channel persistent, which is completely different from making a channel either a traffic channel or a signaling channel. By contrast, claim 1 solves the problem of a discontinuous control channel by transferring PACCH-related control data via the PACCH when the PACCH is available and by transferring the data via a time slot allocated for a transfer of PACCH-related control data when the PACCH is not available. These features of claim 1 are not taught by Mustajarvi or Lopponen, individually or in combination, and accordingly the applicants respectfully request that claim 1 may now be passed to allowance.

Since claims 2-9 depend upon allowable claim 1, the applicants respectfully request that claims 2-9 may now also be passed to allowance.

Claims 19 and 26 teach a transfer of uplink control data in a packet data communication system including receiving a request for a persistent PACCH and, in response to receiving the request, conveying an allocation of an uplink timeslot for use in transmitting the control data when a packet associated control channel is not available. As noted above, neither Mustajarvi nor Lopponen, individually or in combination, teach how to make a discontinuous uplink control channel, such as a PACCH, persistent. Therefore, the applicants respectfully contend that the features of claims 19 and 26 are not taught by Mustajarvi or Lopponen, individually or in combination, and request that claims 19 and 26 may now be passed to allowance.

Since claims 20-25 depend upon allowable claim 19 and claims 27-32 depend upon allowable claim 26, the applicants respectfully request that claims 20-25 and 27-32 may now also be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the

Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,  
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